

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 170 - SB 559

February 17, 2023

SUMMARY OF BILL: Rejects the pending ordinance doctrine and declares that property owners should expect that the merits of a permit application will be judged on the law in effect at the time of application.

FISCAL IMPACT:

Other Fiscal Impact – The extent and timing of any significant fiscal impact to local government cannot be reasonably determined.

Assumptions:

- In its May 14, 2007 opinion in the case of *Harding Academy v. Metropolitan Government of Nashville and Davidson County*, the Tennessee Supreme Court explained that the pending ordinance doctrine provides that a building permit may be refused or revoked, if issued erroneously, if there is pending at the time of application an amendment to a zoning ordinance that would prohibit the use of land for which the permit is sought.
- Rejection of the pending ordinance doctrine would provide that zoning regulations in effect at the time of a permit application would apply even if there were subsequent changes to those regulations; therefore, a local government would not be allowed to reject or revoke a building permit based on pending zoning changes.
- It is assumed that local governments would implement a system for tracking applicable zoning regulations at the time of applications utilizing existing resources and staff, resulting in no significant fiscal impact to local government.
- The proposed legislation may alter a local government's development planning in its jurisdiction, which may result in a fiscal impact, the extent and timing of which cannot be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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